

1. The following is an examiner's statement of reasons for allowance: In addition to the remarks of record, the cited prior art fails to teach or suggest the claimed method of using the claimed substituted NBD-amine compound for the detection of analytes. Specifically, Applicants' have defined over Horn et al. by providing a certified translation of the earlier priority document which disqualifies Horn et al. as prior art. The 12/4/09 terminal disclaimer overcomes the obviousness type of double patenting rejections. Applicants convincingly argued in their 12/4/09 remarks that Albarella and Ghosh fail to teach the claimed compound having an "N-oxide" substitution and the claimed "R is H or C1-C4 alkyl substitutions, where alkyl is optionally substituted with one or more functional ... salts thereof". These references have been overcome for these reasons. The remaining reference Hoenes fails to teach or suggest the claimed amine group - NR<sub>1</sub>R<sub>2</sub> and the claimed "R is H or C1-C4 alkyl, where alkyl is optionally substituted with one or more functional ...salts thereof". Hoenes has been overcome for these reasons as argued by Applicants' in their 12/4/09 remarks.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LYLE A. ALEXANDER whose telephone number is (571)272-1254. The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LYLE A ALEXANDER/  
Primary Examiner, Art Unit 1797